

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

YUE YU, et al.,

Plaintiffs,

vs.

Civ. No. 97-1491 MV/WWD

DOUGLAS BROWN, et al.,

Defendants;

CONSOLIDATED FOR PRE-TRIAL DISCOVERY PURPOSES ONLY WITH

KASHYAP N. THAKORE, et al.,

Plaintiffs,

vs.

Civ. No. 97-1492 JP/WWD

DOUGLAS BROWN, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Defendants' Motion to Stay Discovery [docket no. 20], which was filed in *Thakore, et al. v. Brown, et al.*, Civ. No. 97-1492 JP/WWD. A similar motion is being circulated in the companion case of *Yu v. Brown, et al.*, Civ. No. 97-1491 MV/WWD. The ruling that I make at this time is necessarily limited to the motion before me. In the *Yu v. Brown, et al.* case, a separate motion package will be filed.

Defendants argue that the issues in *Thakore* have been mooted since the lawful permanent residence claims of the Thakore family have been adjudicated. Defendants would have us accept the proposition that they can render moot the issues raised in this type of lawsuit simply by making a determination of the lawful permanent residence question with respect to the named

Plaintiffs. I find such a proposition unacceptable. Likewise, I am unimpressed by the argument that the Defendants should not be burdened with preparing the defense in a lawsuit which simply asks that a governmental agency be required to do its job in a timely fashion.

WHEREFORE,

IT IS ORDERED that Defendants' Motion to Stay Discovery be, and it hereby is,
DENIED.


UNITED STATES MAGISTRATE JUDGE